



IFEN 2643

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shuhei KATO et al

Serial No.: 09/636,591

Filed: August 10, 2000

For: SOUND PROCESSOR

Group Art Unit: 2643

Examiner: Lun-See LAO

Atty. Docket No.: 100341-00003

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

August 10, 2006

Sir:

During a telephone conversation with Examiner Lao on August 7, 2006, it was discovered that the above-identified application has been abandoned for failing to file a response to a non-final Office Action which had been issued in the subject application. Applicants hereby petition to withdraw the holding of abandonment of the above-identified application for failure to respond to the Office Action.

It is respectfully submitted that Applicants did not respond to the Office Action because Applicants never received the Office Action. Applicants' attorneys have made a careful search of the entire file jacket for the subject application and said Office Action was not present. A review of the docket records also indicate that said Office Action was never received.

On February 11, 2002, which is prior to the date of the Office Action, having not received any correspondence from the Patent and Trademark Office with regard to the above-identified application, the Applicants filed a Request for Status and Notification of

Change of Name and Address. Copies of these documents along with the stamped postcard receipt are attached as Exhibit A. A Status Letter Reply from the Patent and Trademark Office was received on February 21, 2002, a copy of which is attached as Exhibit B, indicating that an Office Action would be mailed around March 2003. When the undersigned still had not received any information from the Patent and Trademark Office, another Request for Status was filed on March 1, 2004. A copy of this document along with the stamped postcard receipt are attached as Exhibit C.

It is respectfully submitted that the undersigned properly advised the Patent and Trademark Office of its change of address by way of a Notification of Change of Name and Address filed in the Patent and Trademark Office on February 11, 2002, however, it appears that this change of name and address were not entered in the above-identified application and the Office Action was mailed to the undersigned's old address and was never received by the undersigned. Since the undersigned did not receive the Office Action, a response was not filed. Thus it is submitted that the failure to respond to the outstanding Office Action resulted from the failure of the Patent and Trademark Office to change the undersigned's address and that the abandonment of the application was a result of the Patent and Trademark Office's failure to change the address. It is therefore submitted that withdrawal of the holding of abandonment of the above-identified application is proper and that this petition should be granted.

In the event that any fees are due with respect to this paper, please charge our
Deposit Account No. 01-2300, referencing Atty. Docket No. 100341-00003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles M. Marmelstein', written over a horizontal line.

Charles M. Marmelstein
Attorney for Applicant
Reg. No. 25,895

Customer No.: 004372
Arent Fox PLLC
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D. C. 20036-5339
Tel (202) 857-6000
Fax (202) 638-4810

CMM:mmg

Encls:

- Exhibit A Request for Status and Notification of Change of Name and
Address of February 11, 2002 w/stamped postcard receipt
- Exhibit B Status Reply Letter dated February 21, 2002
- Exhibit C Request for Status of March 1, 2004 w/stamped postcard receipt



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shuhei KATO et al

Serial No.: 09/636,591

Filed: August 10, 2000

For: SOUND PROCESSOR

Group Art Unit: 2747

Examiner:

Atty. Docket No.: 100341-00003

REQUEST FOR STATUS

Commissioner for Patents
Washington, D. C. 20231

February 11, 2002

Sir:

On August 10, 2000, the above-identified application was filed in the U. S. Patent and Trademark Office. To date, no Office Action has been received.

In view of the above, it is respectfully requested that the undersigned be provided with the current status of the subject application as soon as possible.

In the event that any fees are due with respect to this paper, please charge our Deposit Account No. 01-2300.

Respectfully submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC

SIGNATURE ON ORIGINAL

George E. Oram, Jr.
Attorney for Applicants
Reg. No. 27,931

1050 Connecticut Avenue, N.W.
Suite 400
Washington, D. C. 20036-5339
Tel (202) 857-6000
Fax (202) 638-4810

GEO:mmg

Enclosure: Notification of Change of Name and Address

EXHIBIT A-1



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shuhei KATO et al

Serial No.: 09/636,591

Filed: August 10, 2000

For: SOUND PROCESSOR

Group Art Unit: 2747

Examiner:

Atty. Docket No.: 100341-00003

NOTIFICATION OF CHANGE OF NAME AND ADDRESS

Commissioner for Patents
Washington, D. C. 20231

February 11, 2002

Sir:

It is respectfully requested that the correspondence address for the above-identified application be changed to the following:

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D. C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

In the event that any fees are due with respect to this paper, please charge our
Deposit Account No. 01-2300.

Respectfully submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
SIGNATURE ON ORIGINAL

George E. Oram, Jr.
Attorney for Applicants
Reg. No. 27,931

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EXHIBIT A-2



Patent ☒ Trademark ☐ Docket No. 100341-00003

Serial No. 09/636,591 Filed August 10, 2000

Applicant(s) Shuhei KATO et al

Papers filed herewith on February 11, 2002

<input type="checkbox"/> Fees \$ <u> </u> Ck # <u> </u>	<input type="checkbox"/> Assignment (w/ PTO-1595 Form)
<input type="checkbox"/> New Application	<input type="checkbox"/> Declaration
<input type="checkbox"/> Amendment	<input type="checkbox"/> Priority Document
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Req. for Ext. of Time
<input type="checkbox"/> IDS/PTO-1449	<input type="checkbox"/> Drawing(s)
<input checked="" type="checkbox"/> Other <u>Request for Status; Notification of Change of Name and Address</u>	

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above-identified case.

GEO:mmg

COMMISSIONER OF PATENTS

EXHIBIT A-3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shuhei KATO et al.

Serial No.: 09/636,591

Filed: August 10, 2000

For: SOUND PROCESSOR

Group Art Unit: 2644

Examiner: Not Assigned

Atty. Docket No.: 100341-00003

SECOND REQUEST FOR STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 1, 2004

Sir:

On August 10, 2000, the above-identified application was filed in the U. S. Patent and Trademark Office. To date, no Office Action has been received.

In view of the above, it is respectfully requested that the undersigned be provided with the current status of the subject application as soon as possible.

In the event that any fees are due with respect to this paper, please charge our Deposit Account No. 01-2300.

Respectfully submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC

George E. Oram, Jr.
Attorney for Applicants
Reg. No. 27,931

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GEO:bgk

EXHIBIT C-1



Attorney Docket No. 100341-00003
U.S. Patent Application No. 09/636,591
Filed: August 10, 2000
Applicants: S. KATO et al.
Papers filed herewith on: March 1, 2004
A check in the amount of \$



The following papers are attached:

- | | |
|--|--|
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Extension of Time (1,2,3) | <input type="checkbox"/> Issue Fee |
| <input type="checkbox"/> Response to Missing Parts | <input type="checkbox"/> Priority Document |

- | |
|--|
| <input type="checkbox"/> IDS/1449 w/ |
| <input type="checkbox"/> Assignment Recordation |
| <input checked="" type="checkbox"/> 2 nd Request for Status |

GEO/bgk

COMMISSIONER OF PATENTS

Due Date:

PA

EXHIBIT C-2



STATUS LETTER REPLY

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Washington, D.C. 20231

Serial Number: 09/636,591Group Art Unit: 2644Filing Date: 8-10-00 Attorney Reference: _____REQUESTER: George Oram, Jr☒ Attorney of Record

- ☐ Not of Record. Therefore, the following status information is being released to the following ATTORNEY OF RECORD: _____
- ☐ Not of Record. Unfortunately, the status information can not be released because the requestor is not of record. If the requester should be of record, please forward additional changes to the Power of Attorney to the Customer Service Office.

STATUS INFORMATION

- ☒ Action by the examiner
Expected date for action on this application
Month: 3 Year: 2003

☐ Other (explain) _____

Quoc Tran

Customer Service Office
Technology Center 2600
(703) 306-0377 (voice)
(703) 872-9313 (fax)